

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STACEN OMAR
OUTHOUUMMOUNTRY,

Plaintiff,

V.

FUNDERBURK, *et al.*

Defendants.

Case No. 1:22-cv-00954-BAM (PC)

**ORDER DENYING MOTION FOR
EXTENSION OF TIME TO PROVIDE
TRUST STATEMENT AS MOOT
(ECF No. 7)**

**ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*
(ECF No. 6)**

**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY CALIFORNIA
DEPARTMENT OF CORRECTIONS**

Plaintiff Stacen Omar Outhoummountry (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil action pursuant to 42 U.S.C. § 1983.

On August 8, 2022, the Court issued an order directing Plaintiff to submit an application to proceed *in forma pauperis* or pay the \$402.00 filing fee for this action. (ECF No. 3.) On August 29, 2022, Plaintiff filed a motion to proceed *in forma pauperis* together with a motion for a 30-day extension of time to file the required inmate trust account statement. (ECF Nos. 6, 7.) On August 31, 2022, in response to a notice from the Clerk of Court, the California Department of Corrections and Rehabilitation provided a copy of Plaintiff's prisoner trust fund account statement for the prior six months. (ECF No. 9.)

Upon review of the documents, the Court finds that Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. The California

1 Department of Corrections is required to send to the Clerk of the Court payments from Plaintiff's
2 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee is
3 paid in full. 28 U.S.C. § 1915(b)(2).

4 As the Court has received a copy of Plaintiff's trust statement directly from CDCR,
5 Plaintiff's motion for an extension of time to file his trust statement will be denied as moot.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's motion for extension of time to provide a trust account statement, (ECF No. 7),
8 is DENIED as moot;
- 9 2. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 6), is GRANTED;
- 10 3. **The Director of the California Department of Corrections or his/her designee shall
11 collect payments from Plaintiff's prison trust account in an amount equal to twenty
12 per cent (20%) of the preceding month's income credited to the prisoner's trust
13 account and shall forward those payments to the Clerk of the Court each time the
14 amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2),
15 until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.
16 The payments shall be clearly identified by the name and number assigned to this
17 action;**
- 18 4. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in
19 forma pauperis* application on the Director of the California Department of Corrections,
20 via the court's electronic case filing system (CM/ECF); and
- 21 5. The Clerk of the Court is directed to serve a copy of this order on the Financial
22 Department, U.S. District Court, Eastern District of California.

23 IT IS SO ORDERED.
24

25 Dated: August 31, 2022

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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